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09/475,391	12/30/1999	CARLOS A. SILVA JR.	06975/048001	6275

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EXAMINER
BAUGH, APRIL L

ART UNIT	PAPER NUMBER
2143	16

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Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 07-01)

	Application No. ● 09/475,391	Applicant(s) SILVA ET AL.	
Office Action Summary	Examiner April L Baugh	Art Unit 2143	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____ .

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-35_ is/are pending in the application.

    4a) Of the above claim(s) _3,14 and 19-25_ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1,2,4-13,15-18 and 26-35_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☒ The proposed drawing correction filed on _12 March 2003_ is: a)☒ approved b)☐ disapproved by the Examiner.

    If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____ .

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

    a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .

4)☐ Interview Summary (PTO-413) Paper No(s). _____ .
5)☐ Notice of Informal Patent Application (PTO-152)
6)☐ Other: .

DETAILED ACTION

Response to Amendment

Claims 10, 12, 15, and 18 were amended, claims 3, 14, and 19-25 (non-elected in the previous

action) canceled, and new claims 26-35 added. Therefore, claims 1, 2, 4-13, 15-18, and 26-35 are

now pending.

Drawings

1.   The proposed drawing correction and/or the proposed substitute sheets of drawings, filed

on March 12, 2003 have been accepted. A proper drawing correction or corrected drawings are

required in reply to the Office action to avoid abandonment of the application. The correction to

the drawings will not be held in abeyance.

Response to Arguments

2.   Applicant's arguments with respect to claim1, 2, 4-13, and 15-18 have been considered

but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

1.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed
> in the United States before the invention by the applicant for patent or (2) a patent granted on an application for
> patent by another filed in the United States before the invention by the applicant for patent, except that an
> international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this

subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2.   Claim 1, 4, 5, 7, 10, 12, 13, 15-18, and 26-35 rejected under 35 U.S.C. 102(e) as being unpatentable by US Patent 6,081,830 to Schindler.

Referring to claim 1, Schindler teaches a method of assigning a user to a network chat room, the chat room for distributing messages received from chat room members to other chat room members (column 1, lines 17-20 of Schindler), the method comprising: determining television programming viewed by a network user at a networked device; and assigning the network user to a chat room corresponding to the determined television programming (column 2, lines 6-16 of Schindler).

Regarding claim 4, Schindler teaches the method of claim 1, wherein the network comprises the Internet (column 3, lines 31-36 of Schindler).

Referring to claim 5, Schindler teaches the method of claim 1, wherein the chat room comprises a chat room for a particular television show (column 1, lines 6-8 of Schindler).

Regarding claim 7, Schindler teaches the method of claim 1, further comprising receiving a message from a network user assigned to the chat room and distributing the received message to other chat room members (column 1, lines 17-20 of Schindler).

Referring to claim 10, Schindler teaches a method of assigning a user to a chat room, the method comprising: providing a user interface that displays television programming (Fig. 1 and column 3, lines 15-17 of Schindler): transmitting identification of the television programming displayed on the user interface to a network server; receiving an indication of a chat room assigned based on the transmitted identification of television programming displayed on the user

interface; and presenting the assigned chat room on the user interface that includes messages received by the network server from other users viewing the television programming (column 2, lines 6-16 of Schindler).

Regarding claim 12, Schindler teaches the method of claim 10, wherein transmitting identification comprises transmitting a television network identifier (column 3, lines 46-49 of Schindler).

Referring to claim 13, Schindler teaches the method of claim 10, wherein transmitting identification comprises transmitting an identifier of a particular television program (column 4, lines 12-16 of Schindler).

Regarding claim 15, Schindler teaches the method of claim 10, wherein transmitting identification comprises transmitting identification in response to user interaction with a user interface element (column 3, lines 54-56 of Schindler).

Referring to claim 16, Schindler teaches a system for assigning a person to a chat room, the system comprising: server software resident on a network server (column 2, lines 55-56 of Schindler), the software including: instructions for distributing messages received from chat room members to other chat room members (column 1, lines 17-20 of Schindler); instructions for providing chat rooms corresponding to different television programming; and instructions for determining the television programming tuned to by a networked device that receives television programming; and assigning a network user using the networked device to a chat room based on the determined television programming; and; client software residing on the networked device, the client software including: instructions for transmitting identification of the television

programming being displayed by the networked device; and instructions for displaying chat room messages submitted by other chat room members (column 2, lines 6-16 of Schindler).

Regarding claim 17, Schindler teaches a computer program (column 9, lines 1-3 of Schindler), disposed on a computer readable medium, for assigning a user to a network chat room, the chat room for distributing messages received from chat room members to other chat room members (column 1, lines 17-20 of Schindler), the program including instructions for causing a processor to: determine television programming viewed by a network user at a networked device; and assign the network user to a chat room corresponding to the determined television programming (column 2, lines 6-16 of Schindler).

Referring to claim 18, Schindler teaches a computer program (column 9, lines 1-3 of Schindler), disposed on a computer readable medium, for assigning a user to a chat room, the program including instructions for causing a processor to: provide a user interface that displays television programming; transmit identification of the television programming to a network server; receiving an indication of a chat room assigned based on the transmitted identification of television programming displayed on the user interface; and present the assigned chat room that includes messages received by the network server from other users viewing the television programming (column 1, lines 17-20 and column 2, lines 6-16 of Schindler).

Regarding claim 26, Schindler teaches the method of claim 1 further comprising: determining a change in the programming viewed by the network user; and automatically assigning the network user to a new chat room corresponding to the change in programming (column 4, lines 59-65 of Schindler).

Referring to claim 27, Schindler teaches the method of claim 1 further comprising: determining a change in programming viewed by the network user; waiting a predetermined period of time for another change in network programming; and automatically assigning the network user to a new chat room corresponding to the change in programming after the predetermined period of time is exceeded (column 6, lines 44-54 of Schindler).

Regarding claim 28, Schindler teaches the method of claim 10 further comprising: transmitting a change in the programming viewed by the network user; and automatically presenting to the network user a new chat room corresponding to the change in programming (column 4, lines 59-65 of Schindler).

Referring to claim 29, Schindler teaches the method of claim 10 further comprising: transmitting a change in programming viewed by the network user; waiting a predetermined period of time for another change in network programming; and automatically presenting the network user to a new chat room corresponding to the change in programming after the predetermined period of time is exceeded (column 6, lines 44-54 of Schindler).

Regarding claim 30, Schindler teaches the system of claim 16 wherein the client software includes instructions to: determine a change in programming viewed by the network user; wait a predetermined period of time for another change in network programming; and automatically assign the network user to a new chat room corresponding to the change in programming after the predetermined period of time is exceeded (column 6, lines 44-54 of Schindler).

Regarding claim 31, Schindler teaches the system of claim 16 wherein the client software includes instructions to: transmit a change in the programming viewed by the network user; and

automatically present the network user to a new chat room corresponding to the change in programming (column 4, lines 59-65 of Schindler).

Regarding claim 32, Schindler teaches a computer program of claim 17 further comprising instructions to: determine a change in programming viewed by the network user; wait a predetermined period of time for another change in network programming; and automatically assign the network user to a new chat room corresponding to the change in programming after the predetermined period of time is exceeded (column 6, lines 44-54 of Schindler).

Regarding claim 33, Schindler teaches a computer program of claim 17 further comprising instructions to: transmit a change in the programming viewed by the network user; and automatically present the network user to a new chat room corresponding to the change in programming (column 4, lines 59-65 of Schindler).

Regarding claim 34, Schindler teaches a computer program of claim 18 further comprising instructions to: transmit a change in the programming viewed by the network user; and automatically present the network user to a new chat room corresponding to the change in programming (column 4, lines 59-65 of Schindler).

Regarding claim 35, Schindler teaches a computer program of claim 18 further comprising instructions to: determine a change in programming viewed by the network user; wait a predetermined period of time for another change in network programming; and automatically assign the network user to a new chat room corresponding to the change in programming after the predetermined period of time is exceeded (column 6, lines 44-54 of Schindler).

Claim Rejections - 35 USC § 103

3.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

4.   Claim 2, 6, and 11 rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent

5,694,163 to Schindler in view of Moncreiff.

Referring to claim 2, Schindler teaches the method of claim 1, and determining television

programming (column 2, lines 5-16 of Schindler).

Schindler does not teach determining comprises determining based on a channel tuned to

by the networked device. Moncreiff teaches determining comprises determining based on a

channel tuned to by the networked device (column 2, lines 4-10 of Moncreiff). Therefore, it

would have been obvious to one having ordinary skill in the art at the time the invention was

made to further modify the automatic linking to program-specific computer chat rooms of

Schindler by determining comprising determining based on a channel tuned to by the networked

device because the channel the user is watching has the television program the user is interested

in chatting about.

Regarding claim 6, Schindler teaches the method of claim 1, and the chat room (column

2, lines 5-16 of Schindler).

Schindler does not teach chat room comprises a chat room for a particular network.

Moncreiff teaches chat room comprises a chat room for a particular network (column 2, lines 18-

20 of Moncreiff). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to further modify the automatic linking to program-specific computer chat rooms of Schindler by having the chat room comprise a chat room for a particular network because the user wants to chat with a selective group of people with similar interest and profile to them.

Referring to claim 11, Schindler teaches the method of claim 10, and transmitting identification (column 2, lines 5-16 of Schindler).

Schindler does not teach transmitting identification comprises transmitting a channel number. Moncreiff teaches transmitting identification comprises transmitting a channel number (column 2, lines 4-10 of Moncreiff). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to further modify the automatic linking to program-specific computer chat rooms of Schindler by transmitting identification comprises transmitting a channel number because the channel the user is watching has the television program the user is interested in chatting about.

5.   Claim 8 and 9 rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 5,694,163 to Schindler in view of Trovato et al.

Regarding claim 8, Schindler teaches the method of claim 1, and the chat room (column 2, lines 5-16 of Schindler).

Schindler does not teach determining whether to assign a person to a chat room. Trovato et al. teaches determining whether to assign a person to a chat room (column 2, lines 5-11 of Trovato et al.). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to further modify the automatic linking to program-specific

computer chat rooms of Schindler by determining whether to assign a person to a chat room because this creates load balancing in the system versus allowing everyone to chat at their leisure.

Referring to claim 9, Schindler teaches the method of claim 8, and the chat room (column 2, lines 5-16 of Schindler).

Schindler does not teach determining whether to assign comprises determining how recently the user was last assigned to a chat room. Trovato et al. teaches determining whether to assign comprises determining how recently the user was last assigned to a chat room (column 5, lines 34-36 and 64-66 of Trovato et al.). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to further modify the automatic linking to program-specific computer chat rooms of Schindler by determining whether to assign comprises determining how recently the user was last assigned to a chat room because this will allow others who have not chatted recently a chance to chat about television programs that interest them.

Conclusion

6.   Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to April L Baugh whose telephone number is 703-305-5317. The examiner can normally be reached on Monday-Friday 7:00am-3:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A Wiley can be reached on 703-308-5221. The fax phone numbers for the organization where this application or proceeding is assigned are 703-746-9149 for regular communications and 703-746-9149 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

ALB
May 21, 2003

DAVID WILEY
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100